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ABSTRACT

Title IX of the Education Amendments of 1972 is the first comprehensive anti-sex discrimination law that covers students. Although most of the attention given to the law since its passage has focused on its impact on colleges, Title IX will have the greatest impact on the elementary and secondary levels of education. All school districts in the country receiving federal funds will be required to abide by these regulations in order to continue receiving funds. This legislation does not prohibit different entrance requirements for boys and girls to schools for the academically or artistically talented, nor does it prohibit single-sex schools, except for vocational schools. However, all other aspects of public school policy will, in one way or another, be affected by Title IX. Although the implementing regulations of Title IX have not been finalized, from the proposed regulations released in June 1974, it is possible to determine the type of school policies that will require changes. This report describes some of those policies. (Author/JF)

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SEX BIAS IN SECONDARY SCHOOLS: THE IMPACT OF TITLE IX

by

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Very few Americans were aware of the enactment of the Education Amendments of 1972 in June 1972. Yet Title IX of these Amendments will eventually produce revolutionary changes in American education. The language of Title IX is deceptively simple: "No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance . . . "

The importance of Title IX lies in the fact that it is the first comprehensive anti-sex discrimination law which covers students. Although most of the attention given to the law since its passage has focused on its impact on colleges, Title IX will have the greatest impact on the elementary and secondary levels of education, since all school districts in the country receiving federal funds will be required to abide by Title IX regulations if they want to continue receiving these funds.

The Office of Civil Rights in the Department of Health, Education, and Welfare was given the responsibility of devising the specific regulations to implement the general wording of Title IX in July 1972. The issues involved in writing these regulations were so complex that it was not until June 1974 that the proposed regulations were released for public comment, and it is expected to be at least until January 1975 before the contents of the regulations are finalized. As a result, Title IX had minimal impact during the 1972-73 and 1973-74 school years.

Although the implementing regulations are expected to be issued during the 1974-75 school year, the actual force of the regulations will probably not be widely felt until the 1975-76 school year.

This legislation does not prohibit different entrance requirements for boys and girls to schools for the academically or artistically talented, nor does it prohibit single-sex schools, except for vocational schools. However, all other aspects of public school policy will in one way or another be affected by Title IX.

Although the implementing regulations of Title IX have not been finalized, from the proposed regulations released in June 1974, it is possible to determine the type of school policies that will require changes. Specifically, Title IX will prohibit discrimination on the basis of sex in admission to public vocational schools. Similarly, it will prohibit discrimination on the basis of sex in school programs and activities. This last requirement in effect mandates that once a student is admitted to a school, all facets of student programs and activities must be free of sex bias. This includes sex bias in course offerings, appraisal and counseling materials, and extra-curricular and athletic programs.

Because of the scope of the policies covered, the number of existing school policies which will be in violation of Title IX

is very large. For example, requiring girls to take one course and boys another will no longer be legal, nor will having different admissions requirements for boys and girls wanting to take the same course. Even if courses are technically open to both sexes on an equal basis a violation of Title IX would occur if members of either sex are discouraged by formal or informal counseling on the part of teachers or guidance counselors from enrolling in a course. In addition, the use of sex-biased counseling materials will be prohibited, as will the offering of athletic and extra-curricular activities for only one sex.

While both formal and informal policies which are sex-biased are prohibited under Title IX, it is obvious that it will be nearly impossible to monitor counseling practices and teacher behavior in all school districts to determine if discrimination is occurring. Because of this, the major impact of Title IX will be to bring about changes in formal school district policies rather than in informal practices.

As the Citizen's Advisory Council on the Status of Women has pointed out, girls are afforded inferior educational opportunities at all levels of the public education system.[1] However, the treatment of schoolgirls and boys is more differentiated at the secondary level than at the elementary level, so that it is at this level that Title IX can be expected to mandate the greatest number of policy changes. The areas of secondary education which will be most strongly affected by Title IX fall into three

categories: 1) policies regarding admissions to vocational schools; 2) policies regarding admissions to classes; and 3) policies regarding physical education and extra-curricular activities. Only by viewing the existing institutional policies and practices in these areas will it be possible to appreciate the scope of the changes Title IX will require in American secondary education.

Admission to Vocational Schools

Although it is commonly accepted that separate but equal facilities for black and white students are inherently inequal, it has not yet been accepted that separate facilities for boys and girls are inherently unequal. There are many public schools today that still admit students of only one sex. When single-sex schools exist, the girls' schools usually do not even meet the standard of being separate but equal: they are separate and unequal.

Most single-sex schools are special types of high schools, used either for vocational training or for the education of the academically or artistically talented. Under Title IX, only sex bias in admissions to vocational schools is prohibited. This means that it will still be possible for school districts to restrict the number of girls admitted to schools for the academically or artistically talented. For example, the San Francisco Public

Schools would still be able to continue its practice of requiring a higher grade point average for girls' admission than for boys' admission to its academically superior high school.[2]

The extent of the impact of the Title IX prohibitition against discrimination in admission to vocational schools is unclear due to the lack of nation-wide data on the number of single-sex vocational schools.[3] However, from state and local surveys it is clear that in many localities vocational training is available to more boys than girls, and that vocational schools offer male students a much wider range of vocational courses than are offered to girls. For example, a study of Massachusetts schools found that the total places for boys in vocational training schools was three times greater than the number of places for girls.[4] In the newly-built modern regional vocational schools the imbalance was found to be even greater, with four times as many male students as female students attending these contemporary schools. As a result, most of the girls attending vocational school were placed in old buildings which were not nearly as well-equipped as the schools attended by male students.

Similar discrimination in admission to vocational schools was found in the New York City Public Schools. In the nation's largest school system, there are eighteen sex-segregated vocational high schools: thirteen are available to boys and only five are available to girls.[5]

Not only are girls denied admittance to certain vocational schools, but the schools girls are permitted to attend usually offer a narrower range of vocational programs than is offered in the boys' vocational schools. It is common practice to offer girls programs which only prepare them for traditionally female occupations. Even in vocational schools that are attended by both girls and boys, the sexes are kept in separate programs. The preliminary and unofficial results of a national survey made by the Office of Civil Rights found that half of all classes in vocational schools were comprised entirely of students of the same sex.

This results in one-half of all American girls enrolled in vocational programs being trained in home economics, with one-third receiving training in office practices. [6] Girls who complete these programs usually graduate to low-paying and dead-end clerical and service jobs. The New York City vocational training system exhibits what must be the ultimate in illogic by requiring girls to take home economics for junior high school graduation and then prohibiting them from attending the only vocational high school where they could prepare to be a chef.

The discrimination against girls in admission to vocational schools and in the programs offered in sex-segregated vocational schools certainly contributes to the large gap that exists between the male and female vocational graduates' income. The boys who have received training for jobs in trade and industry will earn

far higher wages than the girls who have been trained for clerical and service positions. For example, a study of one city's vocational schools found that the average expected wage for the occupations being taught to girls was forty-seven percent lower than the average salary for the trades in which boys were receiving training.[7]

While Title IX will end discrimination against girls in admission to vocational schools and vocational courses, it cannot end the informal school and peer pressures on students to conform to stereotyped vocational roles. Therefore, the extent to which Title IX will actually result in the broadening of vocational choices by boys and girls is unclear. However, the freedom of boys and girls to choose the roles they wish will be broadened by these regulations.

Course Requirements and Admission to Classes

Title IX regulations state that there can be no preference shown to either sex in admission to classes. Therefore, classes will no longer be restricted to one sex. The most common example of this is when girls were enrolled in home economics while boys enrolled in industrial arts. How many girls will continue to voluntarily take home economics courses is not clear, but the likelihood of massive changes in these course enrollments appears quite high. At present, five million students are enrolled in home

economics classes while five million are enrolled in industrial arts classes.[8] Since industrial arts is one of the few teaching areas where there is still a teacher shortage rather than a surplus, any change in the enrollment ratio between industrial arts and home economics would result in an even more drastic shortage of qualified industrial arts teachers. At the same time, it would also result in an overabundance of home economics teachers. It is ironic that the opening of industrial arts classes to girl students will hurt the women who teach home economics as the decline in home economics enrollments will undoubtedly cost many of these women their jobs.

Not only will it be prohibited to require girls to take home economics unless boys are also required to do so, but it will be illegal to give preference to either sex in admission to classes. It is sometimes allowed for certain classes to be open to both sexes, while boys receive preference if there is a limitation on the number of students who can enroll. This occurs most often when girls want to take a class in industrial arts, but also occurs in academic classes such as physics, where laboratory space is limited, and in advanced math courses, where qualified teachers are in short supply. This practice means that boys are more likely to receive the type of scientific and mathematical training in high school which is needed to major in these areas in college. Considering that seventy-three percent of all students enrolled in high school physics and sixty-six percent of all students enrolled

in high school trigonometry are boys,[9] it is not surprising how few girls are math or science majors in college or that few women enter math or science oriented occupations after graduating from college.

While Title IX cannot change the attitudes that have identified industrial arts, math and science as masculine interests, it will ban all formal regulations which prohibit or restrict enrollment of girls in these courses. However, if the experience in Massachusetts is any indication, Title IX will require strict enforcement in order to actually open all classes offered by schools to girls. Despite a state law forbidding sex discrimination in schools, a study of Massachusetts schools found that one-quarter of the schools in the state did not admit both sexes to all classes.[10]

Title IX will also bring an end to the practice of separating classes into all-boy and all-girl sections. As a result, all-boy or all-girl physical education classes will become a thing of the past, with co-educational gym classes replacing them.

Physical Education, Sports and Extra-Curricular Activities

Title IX will have a major impact on the treatment of girls in the areas of physical education, competitive sports and extra-curricular activities. Under Title IX it will no longer be possible to restrict participation in extra-curricular activities, such as band or other special interest clubs, to one sex. All honor socie-

ties must also be open to both sexes. Physical education classes becoming coeducational will help end the common practice of giving boys better playing fields, swimming pools, or gymnasiums.

The impact of Title IX on competitive team sports is more complicated. However, it definitely will make it illegal to restrict participation in non-contact sports to one sex without offering the other sex a chance to participate in the sport. This can be done through a coed team or through separate teams for each sex. If a school operates teams for boys and girls, it will not be allowed to provide the boys' team with certain services, such as paid coaches, uniforms, equipment and transportation to games, if it does not provide these same services to the girls' team.

Because girls' sports teams are undersupported by most school districts, a far greater number of boys are able to participate on competitive teams than are girls. A national survey made by the National Federation of State High School Associations of participation on high school teams found that more than five times as many boys as girls are on all interscholastic high school teams.[11] Table 1 shows the number of schools and the number of participants on boys and girls teams by sport.

Table 1

High School Interscholastic Sport Teams, 1973

	BOYS		GIRLS	
	Number of Schools	Number of Participants	Number of Schools	Number of Participants
ARCHERY	70	420	339	4,019
BADMINTON	1,070	10,293	1,271	14,469
BASEBALL	12,850	371,783	16	480
BASKETBALL	19,468	667,923	8,718	203,207
BOWLING	736	8,237	769	10,330
CROSS COUNTRY	9,383	180,674	433	4,921
CURLING	874	6,214	570	3,337
DECATHLON	234	770		
FENCING	65	419	35	267
FIELD HOCKEY	37	1,003	1,572	45,252
FOOTBALL - 11 Man	14,314	969,635		
- 8 Man	561	13,171	1	20
- 6 Man	112	2,304		
- 9 Man	211	5,582		
- 12 Man	545	33,599	2	45
- Flag	8	245		
GOLF	9,250	129,115	1,228	10,105
GYMNASTICS	1,636	32,918	2,154	35,224
ICE HOCKEY	672	21,250	29	144
LACROSSE	231	6,055	94	3,123
RIFLERY	304	4,458	53	589
RUGBY	93	6,766		
SKIING	535	10,749	261	4,509
SOCCER	2,582	77,141	245	5,174
SOFTBALL	328	5,947	4,251	81,379
SWIMMING	3,553	90,076	2,079	41,820
TENNIS	6,828	103,035	4,219	53,940
TRACK & FIELD (INDOOR)	1,521	42,544	407	8,191
TRACK & FIELD (OUTDOOR)	16,774	640,344	7,292	178,209
VOLLEYBALL	2,100	36,003	6,158	103,298
WATER POLO	302	9,119		
WRESTLING	8,403	279,024	1	5
TOTAL	115,660	3,770,621	42,196	817,058

Source: National Federation of State High School Associations, 1973 Sports Participation Survey (Elgin, Illinois: NFSHSA, 1973).

As Table 1 shows there are 115,660 boys high school teams in the country but only 42,196 girls teams. This means that of the 157,856 teams, twenty-seven percent are girls teams. Of the 4,587,679 participants on all high school teams, eighteen percent are girls. While a total of 1,024,572 boys compete on football teams alone, there are only 817,058 participants in all girls teams. This means that there are more boys on football teams in the fall than there are girls on all teams throughout the schoolyear. High schools give unequal treatment to girls' tennis and golf, although professional women athletes are now competing heavily in these sports. For example, of all tennis teams, sixty-two percent are for boys and only thirty-eight percent are for girls, while eighty-eight percent of all golf teams are for boys and twelve percent are for girls. The imbalance between boys' and girls' teams can be shown by comparing the percent of all high schools in the country that offer each sport.

TABLE 2

Percentage of All High Schools Offering Sport

Sport	Percentage of All High Schools With A Boys Team	Percentage of All High Schools With A Girls Team
Archery	/	2
Badminton	5	6
Baseball	58	0
Basketball	88	40
Bowling	3	3
Cross Country	43	0
Curling	4	/
Decathlon	1	0
Fencing	/	/
Field Hockey	/	7
Football	72	/
Golf	42	6
Gymnastics	7	10
Ice Hockey	3	/
Lacrosse	1	/
Riflery	1	/
Rugby	/	0
Skiing	2	1
Soccer	12	1
Softball	1	19
Swimming	16	9
Tennis	31	19
Track & Field (Indoor)	7	2
Track & Field (Outdoor)	76	33
Volleyball	10	28
Water Polo	1	0
Wrestling	38	/

NOTE: Less than one percent denoted by /

SOURCE: Calculated from National Federation of State High School Associations, 1973 Sports Participation Survey (Elgin, Illinois:NFSHSA, 1973).

As Table 2 shows, basketball is the most frequently offered sport for girls, being offered by forty percent of the high schools in the country. The only sports offered by more than a third of high schools for girls to compete on at the interscholastic level are basketball and outdoor track and field. In contrast, seven sports for boys to compete on at the interscholastic level are offered by more than a third of the high schools. While seventy-six percent of the high schools have a boys' outdoor track and field team, only thirty-three percent have a girls' team in this sport. Other areas where the discrepancy between boys' and girls' teams is great are golf and baseball. While forty-two percent of the high schools have a boys' golf team, only six percent have a team for girls. Similarly, there are boys' baseball teams in fifty-eight percent of the high schools in the country, but only nineteen percent of the high schools have a girls' softball team.

When the sports offered by high schools are classified by those operating in the fall, winter and spring, as shown in Table 3, it becomes clear how many boys and girls are participating on competitive teams.

TABLE 3

Participation in Sports By Season

Season	Number of Boys on Teams	% of All Boy Students	Number of Girls on Teams	% of All Girl Students	Total Students on Teams	% of All Students
Fall	1,290,100	18	55,432	1	1,345,532	10
Winter	1,212,739	17	415,921	6	1,628,660	12
Spring	1,267,762	18	345,725	5	1,613,487	11

NOTE: There are 14,100,000 students in regular public schools in fall, 1973 according to Digest of Educational Statistics (Washington, DC: US Government Printing Office, 1974). There are an equal number of boys and girls in public high schools according to the 1970 Census as cited in, Charles E. Johnson, Jr. and Jerry T. Jennings, "Sex Differentials in School Enrollment and Educational Attainment, " Education (September/October 1971).

SOURCE: Calculated from National Federation of State High School Associations, 1973 Sports Participation Survey (Elgin, Illinois: NFSHSA, 1973).

As Table 3 shows, around seventeen or eighteen percent of high school boys are on athletic teams throughout the school year, while the participation rate for girls varies from a low of one percent in the fall to a high of six percent in the winter. Thus, during the fall eighteen times as many boys as girls participate in interscholastic sports, while around three times as many boys as girls compete in sports during the winter and spring. More importantly, this table shows that only between ten and twelve percent of all high school students are on teams during any one season. As such, the expenditure of large sums of money for competitive sports results in these funds being used for the benefit of only a small minority of the country's high school students.

Although Title IX will not require equal spending on sports for boys' and girls' teams, the present spending levels will become more balanced. It is possible to get an indication of the present ratio of spending for girls' and boys' sports from several local surveys, as shown in Table 4.

TABLE 4

Spending Ratio on Boys and Girls Interscholastic Teams in Selected School Districts

School District	Spending Ratio Boys: Girls
Ann Arbor, Michigan[12]	10:1
Fairfax, Virginia[13]	9:1
Kalamazoo, Michigan[14]	8:1
Minneapolis, Minnesota[15]	20:1
New Brunswick, New Jersey[16]	11:1
Syracuse, New York[17]	450:1
Waco, Texas[18]	100:1

In addition to these local studies, a Massachusetts state analysis also found ratios with local expenditures for boys' sports sometimes being one hundred times greater than the expenditures for girls' sports.[19] In addition, until recently no money at all was spent for girls' interscholastic sports in the states of Utah and Nevada.[20] The extent of the inequities can be illustrated by the example of Minneapolis, where the cost of equipping one high school football team was greater than the total expenditure for girls' sports at all eleven of the city's eleven high schools.[21] Despite statistics and examples such as these, nearly one-quarter of the local superintendents of schools in a nationwide survey did not believe that girls athletic programs were being shortchanged on funding, facilities, or coaches.[22]

The reason many educators do not believe that girls are being shortchanged is not one of factual misinformation, but rather of attitude. Educators are not unaware that girls' sports receive less money than boys' sports, but rather they often do not believe that boys and girls should receive equal sports expenditures. For example, the Director of Physical Education for the State of Georgia has said: "I don't think the phys ed program on any level should be directed toward making an athlete of a girl."[23] The man who is director of girls' athletics in Iowa has commented: "I know the men who head the high school athletic associations in all fifty states

and I don't think there are more than three or four of them who genuinely want to see a girls' program comparable to that of boys'."[24]

Even when there is an impetus from the state level to change, there is usually resistance to change at the local level. For example, a year after the New Jersey Athletic Association issued a policy allowing girls to play on teams with boys, one-third of the local school districts in the state were still refusing to allow girls to compete on the same teams with boys.[25] Because of this resistance to change at the state and local levels, it has taken court orders in New Jersey, Michigan, Indiana, Connecticut, Minnesota and Nebraska to mandate schools to allow girls to participate on teams with boys when there is no team in the sport provided for girls.[26]

Unfortunately, the prospects for voluntary change are low because of tight budgets. Many local school systems have been cutting back on their athletic programs in recent years as a means of holding down school costs. It is therefore unrealistic to expect the new funds that will have to be raised to support better athletic programs for girls to come from an increase in the total school budget. As a result, the only way to finance new programs for girls in many school districts will be to take away funds from the programs now operated exclusively for the benefit of boys. It must be emphasized that when cutting the athletic budget for boys is necessary this will not actually affect very many students. As

noted earlier, only around eighteen percent of all male students are on athletic teams during any season. The changes required by Title IX will not affect the great majority of boys and girls who do not participate on interscholastic teams. Hopefully, Title IX will encourage school districts to reconsider the emphasis they place on competitive sports and instead emphasize the recreational value of sports. This change in emphasis would be in the best interest of the overwhelming majority of high school students, both male and female.

Even if exact compliance with Title IX regulations on interscholastic sports by local school districts occurs, changes in student attitudes will be needed before the majority of girls will take advantage of the opportunity to participate in team sports. But the transition from girls' present roles as passive supporters while spectators or cheerleaders to active participants may not be as difficult as is commonly believed. A study in Kalamazoo found that eighty-seven percent of girls thought that team sports are as appropriate for girls as boys, and eighty-one percent believed girls should be given equal treatment in the use of physical education facilities. In contrast, only thirty-two percent of boys believed team sports were as appropriate for boys as girls and only fifty percent believed that girls should have equal use of physical education facilities. [27] This lack of social approval on the part of boys for girls' competition in sports will present more impediments to girls' sport participation than will

girls' own attitudes. Girls will not take full advantage of their opportunity to compete in sports until it becomes as socially acceptable and desirable for girls to be interested and talented in sports as it is for boys.

Enforcement of Title IX

The gap between present school policies and what Title IX will require regarding course requirements, admission to vocational schools, enrollment in classes and extra-curricular and physical education activities is large. Unfortunately, the Office of Civil Rights, in charge of enforcing Title IX in 18,000 local school districts, is not scheduled to get any major increases in staff or budget in order to carry out its enforcement duties. Out of necessity, most of the compliance with Title IX by local school districts will have to be voluntary. Only in cases regarding the largest school districts or the most flagrant violations of Title IX will the Office of Civil Rights be able to institute formal review procedures which are required before federal funds can be cut off due to non-compliance. This means that it will take a concerted effort on the part of educators, parents, and students to ensure compliance of their school district to Title IX. The lack of public attention given to this Act will certainly make public pressure for compliance slow in forming. However, as the requirements of Title IX become more widely known, the demands for change will increase and can be expected to eventually mandate major changes in the operation of American schools.

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